

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 4:12-cr-109-DPM-1

RANDALL JASON HARRIS

DEFENDANT

ORDER

1. Harris moves *pro se* for a sentence reduction under *Johnson v. United States*, 135 S. Ct. 2551 (2015). Because Harris wasn't sentenced under the Armed Career Criminal Act, *Johnson* doesn't affect his sentence.

2. Harris also asks whether his advisory Guidelines range remains valid post-*Johnson*. *No* 99. Harris's base offense level under U.S.S.G. § 2K2.1 was a 24 because he had prior felony convictions for commercial burglary and a qualifying drug offense. This area of the law is in flux. But at this point, there is no Guidelines Amendment or case law that retroactively changes Harris's advisory range. His motion, *No* 99, is therefore denied.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

27 June 2016